

Amendment No. 545

Assembly Amendment to Assembly Bill No. 281 (BDR 43-243)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION | | | | Initial and Date | SENATE ACTION | | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

WBD/BJF



Date: 4/16/2015

A.B. No. 281—Revises provisions relating to certain criminal offenses involving vehicles. (BDR 43-243)



ASSEMBLY BILL NO. 281—ASSEMBLYMEN FIORE, MOORE, GARDNER, ELLIOT ANDERSON, OHRENSCHALL; PAUL ANDERSON, ARAUJO, ARMSTRONG, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DIAZ, DICKMAN, DOOLING, ELLISON, FLORES, HAMBRICK, HICKEY, JONES, KIRKPATRICK, KIRNER, MUNFORD, NEAL, NELSON, O'NEILL, OSCARSON, SEAMAN, SHELTON, SILBERKRAUS, SPIEGEL, SPRINKLE, STEWART, SWANK, THOMPSON, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

MARCH 13, 2015

JOINT SPONSORS: SENATORS KIHUEN, FORD, SPEARMAN, ATKINSON, PARKS; FARLEY, GUSTAVSON, HARDY, MANENDO, SEGERBLOM, SETTELMAYER AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—~~[Revises provisions relating to certain criminal offenses involving vehicles.]~~ Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice. (BDR ~~[43-243]~~ 14-243)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to ~~[vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for violations of certain traffic laws and certain laws relating to vehicles;]~~ the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws relating to traffic laws and certain laws relating to motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a violation of any traffic law or ordinance is a misdemeanor, unless a different penalty is prescribed by a different statute. (NRS 484A.000) Existing law further provides that a county or an incorporated city may enact ordinances imposing civil penalties for violations of certain ordinances enacted by the county or incorporated city. (NRS~~

244.2575, 268.019) Sections 12-22 and 39 of this bill enact provisions based on Arizona law to provide for the imposition of civil penalties rather than criminal penalties for violations of certain traffic laws and ordinances. Under sections 19 and 39: (1) the maximum civil penalty that may be imposed for a violation of a traffic law or ordinance punishable by a civil penalty is \$250, unless a different amount is specified by statute; and (2) the judgment imposing the civil penalty must include the administrative assessments currently imposed for violations of traffic laws and ordinances.

Existing law provides that any violation of state law regarding drivers' licenses or the registration of motor vehicles is a misdemeanor, unless a statute specifies a different penalty. (NRS 482.555, 482.620) Sections 14, 9 and 10 of this bill enact provisions based on Arizona law to provide that a person who: (1) operates, or knowingly permits the operation of, a motor vehicle in this State without current registration and license plates is subject to a civil penalty rather than the penalty for a misdemeanor; (2) fails to register his or her motor vehicle in this State within a certain period after becoming a resident of this State is subject to a civil penalty in the same amount as the criminal fine provided under existing law; or (3) does not obtain a driver's license in this State within a certain period after becoming a resident or drives a motor vehicle in this State without being the holder of a valid driver's license is subject to a civil penalty of not more than \$250 rather than the penalty for a misdemeanor, except that a person who drives a motor vehicle in this State when the person is disqualified from driving is guilty of a misdemeanor.

Existing law provides that a person commits a misdemeanor if he or she: (1) operates a motor vehicle registered or required to be registered in this State without having insurance; (2) operates, or knowingly permits the operation of, the motor vehicle without evidence of insurance in the vehicle; or (3) fails or refuses to surrender, upon demand, to a peace officer or an authorized representative of the Department of Motor Vehicles the evidence of insurance. (NRS 485.187) Section 37 of this bill enacts provisions based on Arizona law to provide that a person who commits these violations is subject to a civil penalty in the same amount as the criminal fine imposed under current law.

Existing law provides that it is unlawful for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation and that a warrant may issue upon a violation of a written promise to appear. (NRS 484A.670) Sections 18, 25 and 27 of this bill provide that a person who violates a written promise to appear given upon the issuance of a citation for a violation that is punishable by a civil penalty must have a judgment for the civil penalty entered against him or her and that a warrant must not be issued for the failure to appear. Sections 7 and 22 of this bill provide for the suspension of the driver's license of a person who fails to pay a civil penalty within the time prescribed by law.

Sections 5, 6 and 8 of this bill provide that, for the purposes of maintaining a person's driving record, the imposition of a civil penalty for a traffic violation is treated the same as a conviction for a traffic offense under existing law.

Sections 25, 26, 31 and 33-36 of this bill maintain the designation of certain traffic offenses as misdemeanors. Section 32 of this bill provides that a person who commits certain civil traffic violations in a road construction zone is subject to an additional civil penalty.

Sections 40-42 of this bill enact provisions to govern the jurisdiction and disposition of civil violations committed by juveniles.

Section 47 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 47 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues relating to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.0125) Section 49 of this bill requires the Advisory Commission to evaluate certain laws relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 482.385 is hereby amended to read as follows:~~

~~482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390 and 482.3961, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State.~~

~~(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and~~

~~(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:~~

~~(1) On active duty in the military service of the United States;~~

~~(2) An out of state student;~~

~~(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work study program for which the student earns academic credits from the college or university; or~~

~~(4) A migrant or seasonal farm worker.~~

~~2. This section does not:~~

~~(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.~~

~~(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.~~

~~(c) Require registration of a vehicle operated by a border state employee.~~

~~3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:~~

~~(a) Within 30 days after becoming a resident; or~~

~~(b) At the time he or she obtains a driver's license,~~

~~**whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.~~

~~4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 2 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.~~

~~5. Except as otherwise provided in this subsection and NRS 482.3961, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a~~

public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

— (a) On active duty in the military service of the United States;

— (b) An out-of-state student;

— (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work study program for which the student earns academic credits from the college or university; or

— (d) A migrant or seasonal farm worker.

6. ~~A [person who violates] violation of the provisions of subsection 1, 3 or 5 [is guilty of a misdemeanor] must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act and, except as otherwise provided in this subsection, a person who violates the provisions of subsection 1, 3 or 5 shall be punished by a [fine] civil penalty of \$1,000. The [fine] civil penalty imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The [fine] civil penalty imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.~~

7. ~~Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.~~

8. ~~A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390.~~

— (a) ~~Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and~~

— (b) ~~Must not be allowed credit on those taxes and fees for the unused months of the previous registration.~~

9. ~~If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395, 482.3961 and 706.801 to 706.861, inclusive.~~

10. ~~An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.~~

11. ~~A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:~~

— (a) ~~The owner of the vehicle is a resident of this State;~~

— (b) ~~The vehicle is used in this State for a gainful purpose;~~

— (c) ~~Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or~~

— (d) ~~The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.~~

12. ~~A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.~~

13. ~~As used in this section, "peace officer" includes a constable.~~ **(Deleted by amendment.)**

1 **Sec. 2.** ~~NRS 482.545 is hereby amended to read as follows:~~

2 ~~482.545 It is unlawful for any person to commit any of the following acts:~~

3 ~~1. To operate, or for the owner thereof knowingly to permit the operation of,~~
4 ~~upon a highway any motor vehicle, trailer or semitrailer which is not registered or~~
5 ~~which does not have attached thereto and displayed thereon the number of plate or~~
6 ~~plates assigned thereto by the Department for the current period of registration or~~
7 ~~calendar year, subject to the exemption allowed in NRS 482.316 to 482.317,~~
8 ~~inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.396, inclusive, and~~
9 ~~482.420. *A person who violates this subsection is subject to a civil penalty of not*~~
10 ~~*more than \$250 to be imposed pursuant to sections 12 to 22, inclusive, of this act.*~~

11 ~~2. To display, cause or permit to be displayed or to have in possession any~~
12 ~~certificate of registration, license plate, certificate of title, temporary placard,~~
13 ~~movement permit or other document of title knowing it to be fictitious or to have~~
14 ~~been cancelled, revoked, suspended or altered.~~

15 ~~3. To lend to, or knowingly permit the use of by, one not entitled thereto any~~
16 ~~registration card, plate, temporary placard or movement permit issued to the person~~
17 ~~so lending or permitting the use thereof.~~

18 ~~4. To fail or to refuse to surrender to the Department, upon demand, any~~
19 ~~registration card or plate which has been suspended, cancelled or revoked as~~
20 ~~provided in this chapter.~~

21 ~~5. To use a false or fictitious name or address in any application for the~~
22 ~~registration of any vehicle or for any renewal or duplicate thereof, or knowingly to~~
23 ~~make a false statement or knowingly to conceal a material fact or otherwise commit~~
24 ~~a fraud in an application. A violation of this subsection is a gross misdemeanor.~~

25 ~~6. Knowingly to operate a vehicle which:~~

26 ~~(a) Has an identification number or mark which has been falsely attached,~~
27 ~~removed, defaced, altered or obliterated; or~~

28 ~~(b) Contains a part which has an identification number or mark which has been~~
29 ~~falsely attached, removed, defaced, altered or obliterated.] **(Deleted by**~~
30 ~~**amendment.)**~~

31 **Sec. 3.** ~~NRS 482.555 is hereby amended to read as follows:~~

32 ~~482.555 1. In addition to any other penalty provided by this chapter:~~

33 ~~(a) It is a gross misdemeanor for any person knowingly to falsify:~~

34 ~~(1) A dealer's or rebuilder's report of sale, as described in NRS 482.423~~
35 ~~and 482.424;~~

36 ~~(2) An application or document to obtain any license, permit, certificate of~~
37 ~~title or vehicle registration issued under the provisions of this chapter; or~~

38 ~~(3) An application or document to obtain a salvage title or nonrepairable~~
39 ~~vehicle certificate as defined in chapter 487 of NRS.~~

40 ~~(b) [It] *Except as otherwise provided in subsection 6 of NRS 482.385 and*~~
41 ~~*subsection 1 of NRS 482.545, it is a misdemeanor for any person to violate any of*~~
42 ~~*the provisions of this chapter unless such violation is by this section or other*~~
43 ~~*provision of this chapter or other law of this State declared to be a gross*~~
44 ~~*misdemeanor or a felony.*~~

45 ~~2. The provisions of this section do not apply to a violation of subsection 3 of~~
46 ~~NRS 482.367002.] **(Deleted by amendment.)**~~

47 **Sec. 4.** ~~NRS 482.245 is hereby amended to read as follows:~~

48 ~~482.245 1. When a person becomes a resident of Nevada as defined in this~~
49 ~~chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada~~
50 ~~driver's license as a prerequisite to driving any motor vehicle in the State of~~
51 ~~Nevada. *A person who violates this subsection is subject to a civil penalty of not*~~
52 ~~*more than \$250 to be imposed pursuant to sections 12 to 22, inclusive, of this act.*~~

~~2. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.~~

~~3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states concerning the licensing of drivers of motor vehicles. (Deleted by amendment.)~~

Sec. 5. ~~NRS 483.447 is hereby amended to read as follows:~~

~~483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is convicted of any traffic offense in this State [.] or if a judgment for a civil penalty is entered against the person pursuant to sections 12 to 22, inclusive, of this act for any traffic offense in this State.] (Deleted by amendment.)~~

Sec. 6. ~~NRS 483.450 is hereby amended to read as follows:~~

~~483.450 1. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record.~~

~~2. The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.~~

~~3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:~~

~~(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or~~

~~(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,~~

~~→ within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.~~

~~4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction to the Commercial Driver's License Information System.~~

~~5. For the purposes of NRS 483.010 to 483.620, inclusive:~~

~~(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052 [.] and includes, without limitation, the entering of a judgment for a civil penalty pursuant to sections 12 to 22, inclusive, of this act.~~

~~(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.~~

~~6. The necessary expenses of mailing records of conviction to the Department as required by this section must be paid by the court charged with the duty of forwarding those records of conviction.~~

~~7. As used in this section, "Commercial Driver's License Information System" has the meaning ascribed to it in NRS 483.904. (Deleted by amendment.)~~

1 **Sec. 7.** ~~NRS 483.465 is hereby amended to read as follows:~~

2 ~~483.465 1. If a driver who holds a Nevada driver's license [violates]:~~

3 ~~(a) Fails to pay a civil penalty or any administrative assessment imposed~~
4 ~~pursuant to sections 12 to 22, inclusive, of this act within the time required by~~
5 ~~section 22 of this act, other than for a violation of a traffic law or ordinance~~
6 ~~occurring within this State governing standing or parking; or~~

7 ~~(b) Violates a written promise to appear pursuant to a citation that was~~
8 ~~prepared manually or electronically for a violation of a traffic law or ordinance~~
9 ~~punishable as a misdemeanor and occurring within this State other than one~~
10 ~~governing standing or parking;~~

11 ~~the clerk of the court shall immediately notify the Department on a form~~
12 ~~approved by the Department.~~

13 ~~2. Upon receipt of notice from a court in this State of a failure to appear, the~~
14 ~~Department shall notify the driver by mail that his or her privilege to drive is~~
15 ~~subject to suspension and allow 30 days after the date of mailing the notice to:~~

16 ~~(a) Appear in court and obtain a dismissal of the citation or complaint as~~
17 ~~provided by law;~~

18 ~~(b) Appear in court and, if permitted by the court, make an arrangement~~
19 ~~acceptable to the court to satisfy a judgment of conviction [.] or a judgment for a~~
20 ~~civil penalty and administrative assessments entered pursuant to sections 12 to~~
21 ~~22, inclusive, of this act;~~

22 ~~(c) Pay the civil penalty and administrative assessments imposed pursuant to~~
23 ~~sections 12 to 22, inclusive, of this act; or~~

24 ~~(d) Make a written request to the Department for a hearing.~~

25 ~~3. If notified by a court, within 30 days after the notice of a failure to appear,~~
26 ~~that a driver has been allowed to make an arrangement for the satisfaction of a~~
27 ~~judgment of conviction [.] or a judgment for a civil penalty and administrative~~
28 ~~assessments entered pursuant to sections 12 to 22, inclusive, of this act, the~~
29 ~~Department shall remove the suspension from the driver's record. If the driver~~
30 ~~subsequently defaults on the arrangement with the court, the court shall notify the~~
31 ~~Department which shall immediately suspend the driver's license until the court~~
32 ~~notifies the Department that the suspension may be removed.~~

33 ~~4. The Department shall suspend the license of a driver 31 days after it mails~~
34 ~~the notice provided for in subsection 2 to the driver, unless within that time it has~~
35 ~~received a written request for a hearing from the driver or notice from the court on a~~
36 ~~form approved by the Department that the driver has appeared, [or] the citation or~~
37 ~~complaint has been dismissed [.] or the civil penalty and administrative~~
38 ~~assessments imposed pursuant to sections 12 to 22, inclusive, of this act have~~
39 ~~been paid. A license so suspended remains suspended until further notice is~~
40 ~~received from the court that the driver has appeared or that the case has been~~
41 ~~otherwise disposed of as provided by law.] (Deleted by amendment.)~~

42 **Sec. 8.** ~~NRS 483.473 is hereby amended to read as follows:~~

43 ~~483.473 1. As used in this section, "traffic violation" means conviction of a~~
44 ~~moving traffic violation, or the entering of a judgment for a civil penalty~~
45 ~~pursuant to sections 12 to 22, inclusive, of this act, in any municipal court, justice~~
46 ~~court or district court in this State. The term includes a finding by a juvenile court~~
47 ~~that a child has violated a traffic law or ordinance other than one governing~~
48 ~~standing or parking. The term does not include a conviction or a finding by a~~
49 ~~juvenile court of a violation of the speed limit posted by a public authority under~~
50 ~~the circumstances described in subsection 1 of NRS 484B.617.~~

51 ~~2. The Department shall establish a uniform system of demerit points for~~
52 ~~various traffic violations occurring within this State affecting the driving privilege~~
53 ~~of any person who holds a driver's license issued by the Department and persons~~

1 deemed to have future driving privileges pursuant to NRS 482.447. The system
2 must be based on the accumulation of demerits during a period of 12 months.

3 ~~2. The system must be uniform in its operation, and the Department shall set~~
4 ~~up a schedule of demerits for each traffic violation, depending upon the gravity of~~
5 ~~the violation, on a scale of one demerit point for a minor violation of any traffic law~~
6 ~~to eight demerit points for an extremely serious violation of the law governing~~
7 ~~traffic violations. If a conviction of, or the entering of a judgment for a civil~~
8 ~~penalty for, two or more traffic violations committed on a single occasion is~~
9 ~~obtained, points must be assessed for one [offense.] violation, and if the point~~
10 ~~values differ, points must be assessed for the [offense] violation having the greater~~
11 ~~point value. Details of the violation must be submitted to the Department by the~~
12 ~~court where the conviction is obtained [.] or the judgment for the civil penalty is~~
13 ~~entered. The Department may provide for a graduated system of demerits within~~
14 ~~each category of violations according to the extent to which the traffic law was~~
15 ~~violated.] (Deleted by amendment.)~~

16 Sec. 9. [NRS 482.550 is hereby amended to read as follows:

17 ~~482.550 1. [It is unlawful for any] Except as otherwise provided in this~~
18 ~~subsection, a person [to drive] who drives a motor vehicle upon a public street or~~
19 ~~highway in this State without being the holder of a valid driver's license [.] is~~
20 ~~subject to a civil penalty of not more than \$250 to be imposed pursuant to~~
21 ~~sections 12 to 22, inclusive, of this act. A person who drives a motor vehicle upon~~
22 ~~a public street or highway in this State when the person is disqualified from~~
23 ~~driving is guilty of a misdemeanor.~~

24 ~~2. The court shall [require] order any person [convicted of] upon whom a~~
25 ~~civil penalty is imposed for violating this section to obtain a valid driver's license~~
26 ~~or produce a notice of disqualification from the Department.] (Deleted by~~
27 ~~amendment.)~~

28 Sec. 10. [NRS 482.620 is hereby amended to read as follows:

29 ~~482.620 [H] Except as otherwise provided in NRS 482.245 and 482.550, it is~~
30 ~~a misdemeanor for any person to violate any of the provisions of NRS 482.010 to~~
31 ~~482.630, inclusive, unless such violation is, by NRS 482.010 to 482.630, inclusive,~~
32 ~~or other law of this State, declared to be a felony.] (Deleted by amendment.)~~

33 Sec. 11. [Chapter 484A of NRS is hereby amended by adding thereto the
34 provisions set forth as sections 12 to 22, inclusive, of this act.] (Deleted by
35 amendment.)

36 Sec. 12. ~~[A violation of a provision of chapters 484A to 484E, inclusive, of~~
37 ~~NRS must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of~~
38 ~~this act, unless a provision of those chapters specifically provides that a~~
39 ~~particular violation is a misdemeanor, gross misdemeanor or felony.] (Deleted by~~
40 ~~amendment.)~~

41 Sec. 13. ~~[1. Municipal courts and justice courts have concurrent~~
42 ~~jurisdiction over all violations of a provision of chapters 484A to 484E, inclusive,~~
43 ~~of NRS which must be treated as a civil matter pursuant to sections 12 to 22,~~
44 ~~inclusive, of this act and which are committed within their boundaries by persons~~
45 ~~18 years of age or older.~~

46 ~~2. Municipal courts and justice courts have concurrent jurisdiction over~~
47 ~~civil traffic violations committed within their boundaries by persons under 18~~
48 ~~years of age if the juvenile court has transferred the case pursuant to NRS~~
49 ~~62B.380.] (Deleted by amendment.)~~

50 Sec. 14. ~~[1. A case involving a civil traffic violation is commenced by the~~
51 ~~issuance or filing of a traffic citation pursuant to sections 12 to 22, inclusive, of~~
52 ~~this act.~~

~~2. Except as otherwise provided in this subsection, a case involving a civil traffic violation must be commenced within 60 days after the alleged violation of chapters 484A to 484E, inclusive, of NRS. Except as otherwise provided in this subsection, if an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act is under investigation in conjunction with a traffic accident, a case involving a civil traffic violation must be commenced within 180 days after the alleged violation. If an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act is under investigation in conjunction with a traffic accident resulting in death or substantial bodily harm of any person, the case involving a civil traffic violation must be commenced within 1 year after the alleged violation.~~

~~3. If a case involving a civil traffic violation is commenced by the filing of a traffic citation in a court having jurisdiction, the traffic citation must be served within 90 days after the filing date.~~ (Deleted by amendment.)

Sec. 15. ~~1. A traffic citation may be served by delivering a copy of the traffic citation to the person charged with the violation or by any means authorized by the Nevada Rules of Civil Procedure. At the discretion of the issuing traffic enforcement agency, a traffic citation issued after an investigation in conjunction with a traffic accident may be sent by certified mail, return receipt requested and delivered to the addressee only, to the address provided by the person charged with the violation. Service of the traffic citation is complete on filing the receipt in the court having jurisdiction of the violation.~~ (Deleted by amendment.)

Sec. 16. ~~1. A peace officer or a duly authorized member or volunteer of a traffic enforcement agency in this State who has reasonable cause to believe that a person has violated a provision of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act may stop and detain the person as is reasonably necessary to investigate the alleged violation and to issue a traffic citation for the alleged violation.~~ (Deleted by amendment.)

Sec. 17. ~~1. When a person is halted by a peace officer or a duly authorized member or volunteer of a traffic enforcement agency in this State for any violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, the peace officer, member or volunteer may prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the number of the person's driver's license, if any, the violation alleged, including a brief description of the violation and the NRS citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer, member or volunteer. If the citation is prepared electronically, the officer, member or volunteer shall sign the copy of the citation that is delivered to the person charged with the violation.~~

~~2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.~~

~~3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.~~

~~4. The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the traffic citation prepared by the peace officer, member or volunteer, in which event the peace~~

~~officer, member or volunteer shall deliver a copy of the citation to the person. If the citation is prepared electronically, the officer, member or volunteer shall deliver the signed copy of the citation to the person and shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.~~

~~(Deleted by amendment.)~~

~~Sec. 18. 1. A person served with a traffic citation for any violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act shall:~~

~~(a) Appear at the time and place stated in the traffic citation; and~~
~~(b) Admit or deny the allegations stated in the traffic citation. Allegations not denied at the time of appearance are deemed admitted.~~

~~2. If the allegations stated in the traffic citation are admitted, the court must enter judgment for the State and impose a civil penalty. In determining the civil penalty, the court shall consider the explanation submitted.~~

~~3. If the person served with the traffic citation denies the allegations stated in the traffic citation, the court must set the matter for a hearing. The hearing is informal and without a jury. At the hearing, the State is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, he or she must notify the court at least 10 days before the hearing date. If the court finds in favor of the person served with a traffic citation, the court must enter an order dismissing the traffic citation. If the court finds in favor of the State, the court must enter judgment for the State and impose a civil penalty for the violation.~~

~~4. The State and the person served with the traffic citation may subpoena witnesses as provided by NRS 174.305. Witnesses are not entitled to fees for appearing in connection with a case involving a civil traffic violation.~~

~~5. Except as otherwise provided in sections 12 to 22, inclusive, of this act, the rules of civil procedure do not apply to a case involving a civil traffic violation.~~

~~6. If a person served with a traffic citation for an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act fails to appear at the time directed to appear or at the time set for a hearing by the court, the court shall enter judgment for the State and impose a civil penalty for the violation.~~

~~(Deleted by amendment.)~~

~~Sec. 19. 1. Except as otherwise provided by specific statute, a civil penalty imposed for a violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act must not exceed \$250. In addition to any civil penalty imposed pursuant to this section, the justice or judge shall include in the judgment imposing the civil penalty the sum prescribed for the administrative assessments set forth in NRS 176.059, 176.0611 and 176.0613 and the money collected for those administrative assessments must be applied and distributed in the manner set forth in those sections.~~

~~(Deleted by amendment.)~~
~~Sec. 20. 1. An admission of the allegations contained in a traffic citation for an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act is not evidence of negligence in a civil or criminal proceeding that is not authorized by chapters 484A to 484E, inclusive, of NRS.~~

~~(Deleted by amendment.)~~

1 Sec. 21. ~~1. A party may appeal the judgment of a court imposing a civil~~
2 ~~penalty pursuant to sections 12 to 22, inclusive, of this act. The appeal may be to~~
3 ~~the district court in the same manner as any other civil appeal from a municipal~~
4 ~~court or justice court to the district court. The posting of an appeal bond stays~~
5 ~~enforcement of the judgment.] (Deleted by amendment.)~~

6 Sec. 22. ~~1. Except as otherwise provided in this subsection, a person~~
7 ~~shall pay all civil penalties and administrative assessments imposed pursuant to~~
8 ~~sections 12 to 22, inclusive, of this act within 30 days after entry of the judgment~~
9 ~~imposing the civil penalty and administrative assessments. If the court finds that~~
10 ~~satisfaction of a judgment within 30 days will place an undue economic burden~~
11 ~~on a person, the court may extend the time for payment or may provide for~~
12 ~~installment payments. If the judgment is not satisfied within the time for payment~~
13 ~~prescribed by the court or if an installment payment is not paid when due, the~~
14 ~~court may declare the entire amount of the judgment due. If the court declares~~
15 ~~the entire amount of the judgment due, the clerk of the court must notify the~~
16 ~~Department pursuant to NRS 483.465.~~

17 ~~2. If a civil penalty or administrative assessment imposed pursuant to~~
18 ~~sections 12 to 22, inclusive, of this act, or any part of it, remains unpaid after the~~
19 ~~time established by the court for its payment, the defendant is liable for a~~
20 ~~collection fee, to be imposed by the court at the time it finds that the civil penalty~~
21 ~~or administrative assessment is delinquent, of not more than \$100.~~

22 ~~3. Notwithstanding the provisions of subsections 1 and 2, the court must not~~
23 ~~initiate collection procedures on an unsatisfied judgment for a civil penalty and~~
24 ~~administrative assessments imposed pursuant to sections 12 to 22, inclusive, of~~
25 ~~this act and the court clerk must not notify the Department pursuant to NRS~~
26 ~~483.465 if:~~

27 ~~(a) The unsatisfied judgment is for a traffic violation for which the final~~
28 ~~disposition occurs more than 36 months before the court initiates collection~~
29 ~~proceedings;~~

30 ~~(b) The court does not have a paper or electronic record dated within 36~~
31 ~~months after the traffic violation occurs indicating that the responsible person~~
32 ~~was notified that the judgment is unsatisfied and due;~~

33 ~~(c) The clerk of the court has not notified the Department pursuant to NRS~~
34 ~~483.465; and~~

35 ~~(d) The court does not have a record of extending the time for satisfying the~~
36 ~~judgment or providing for installment payments.~~

37 ~~4. If, pursuant to subsection 3, the court is prohibited from initiating~~
38 ~~collection procedures on an unsatisfied judgment or the clerk of the court is~~
39 ~~prohibited from notifying the Department pursuant to NRS 483.465, the clerk of~~
40 ~~the court must notify the Department and the Department must remove the~~
41 ~~violation from the person's driving record.] (Deleted by amendment.)~~

42 Sec. 23. ~~[NRS 484A.400 is hereby amended to read as follows:~~

43 ~~484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS~~
44 ~~are applicable and uniform throughout this State on all highways to which the~~
45 ~~public has a right of access or to which persons have access as invitees or licensees.~~

46 ~~2. Except as otherwise provided in [subsection] subsections 3 and 4 and~~
47 ~~unless otherwise provided by specific statute, any local authority may enact by~~
48 ~~ordinance traffic regulations which cover the same subject matter as the various~~
49 ~~sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the~~
50 ~~ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or~~
51 ~~regulations adopted pursuant thereto. It may also enact by ordinance regulations~~
52 ~~requiring the registration and licensing of bicycles.~~

~~2. An ordinance enacting traffic regulations must provide for the imposition of a civil penalty for a violation of the ordinance if the ordinance covers the same subject matter as a provision of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.~~

~~4. A local authority shall not enact an ordinance:~~

~~(a) Governing the registration of vehicles and the licensing of drivers;~~

~~(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information;~~

~~(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or~~

~~(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.~~

~~[4.] 5. No person convicted or adjudged guilty or guilty but mentally ill of, or found liable for a civil penalty for, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.] (Deleted by amendment.)~~

Sec. 24. [NRS 484A.660 is hereby amended to read as follows:

~~484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484A.620 [.] or sections 12 to 22, inclusive, of this act, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed an offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the accident.] (Deleted by amendment.)~~

Sec. 25. [NRS 484A.670 is hereby amended to read as follows:

~~484A.670 1. It is [unlawful] a misdemeanor for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation prepared manually or electronically [.] for an alleged violation that is punishable as a misdemeanor, regardless of the disposition of the charge for which the citation was originally issued.~~

~~2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12 month period and is subsequently arrested or issued a citation within that 12 month period shall appear personally in court with or without counsel.~~

~~3. A warrant may issue upon a violation of a written promise to appear [.] unless the written promise to appear was given pursuant to a citation that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 26. [NRS 484A.680 is hereby amended to read as follows:

~~484A.680 1. Every peace officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.~~

~~2. A copy of a traffic citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any~~

1 traffic ordinance of any city or town may be filed electronically with a court having
2 jurisdiction over the alleged offense or with its traffic violations bureau if the court
3 or traffic violations bureau, respectively;

4 ~~— (a) Authorizes such electronic filing;~~

5 ~~— (b) Has the ability to receive and store the citation electronically; and~~

6 ~~— (c) Has the ability to physically reproduce the citation upon request.~~

7 ~~2. Upon the filing of the original or a copy of the traffic citation with a court~~
8 ~~having jurisdiction over the alleged offense or with its traffic violations bureau, the~~
9 ~~traffic citation may be disposed of only by trial in that court or other official action~~
10 ~~by a judge of that court, including forfeiture of the bail, or by the deposit of~~
11 ~~sufficient bail with, or payment of a fine to, the traffic violations bureau by the~~
12 ~~person to whom the traffic citation has been issued by the peace officer.~~

13 ~~4. It is [unlawful] a misdemeanor and official misconduct for any peace~~
14 ~~officer or other officer or public employee to dispose of a traffic citation or copies~~
15 ~~of it or of the record of the issuance of a traffic citation in a manner other than as~~
16 ~~required in this section.~~

17 ~~5. The chief administrative officer of every traffic enforcement agency shall~~
18 ~~require the return to him or her of a physical copy or electronic record of every~~
19 ~~traffic citation issued by an officer under his or her supervision to an alleged~~
20 ~~violinor of any traffic law or ordinance and of all physical copies or electronic~~
21 ~~records of every traffic citation which has been spoiled or upon which any entry has~~
22 ~~been made and not issued to an alleged violator.~~

23 ~~6. The chief administrative officer shall also maintain or cause to be~~
24 ~~maintained a record of every traffic citation issued by officers under his or her~~
25 ~~supervision. The record must be retained for at least 2 years after issuance of the~~
26 ~~citation.~~

27 ~~7. As used in this section, "officer" includes a volunteer appointed to a traffic~~
28 ~~enforcement agency pursuant to NRS 484B.470.] (Deleted by amendment.)~~

29 **Sec. 27.** ~~[NRS 484A.700 is hereby amended to read as follows:~~

30 ~~484A.700 1. A traffic citation for a parking violation may be prepared~~
31 ~~manually or electronically;~~

32 ~~2. When a traffic citation for a parking violation *that is punishable as a*~~
33 ~~*misdemeanor* has been issued identifying by license number a vehicle registered to~~
34 ~~a person who has not signed the citation, a bench warrant may not be issued for that~~
35 ~~person for failure to appear before the court unless:~~

36 ~~(a) A notice to appear concerning the violation is first sent to the person by~~
37 ~~first class mail within 60 days after the citation is issued; and~~

38 ~~(b) The person does not appear within 20 days after the date of the notice or the~~
39 ~~notice to appear is returned with a report that it cannot be delivered.] (Deleted by~~
40 ~~amendment.)~~

41 **Sec. 28.** ~~[NRS 484A.720 is hereby amended to read as follows:~~

42 ~~484A.720 Whenever any person is halted by a peace officer for any violation~~
43 ~~of chapters 484A to 484E, inclusive, of NRS not amounting to a gross~~
44 ~~misdemeanor or felony [.] *or that is not required to be treated as a civil matter*~~
45 ~~*pursuant to sections 12 to 22, inclusive, of this act,* the person shall be taken~~
46 ~~without unnecessary delay before the proper magistrate, as specified in NRS~~
47 ~~484A.750, in either of the following cases:~~

48 ~~1. When the person demands an immediate appearance before a magistrate; or~~

49 ~~2. In any other event when the person is issued a traffic citation by an~~
50 ~~authorized person and refuses to give a written promise to appear in court as~~
51 ~~provided in NRS 484A.630.] (Deleted by amendment.)~~

1 **Sec. 29.** ~~[NRS 484A.730 is hereby amended to read as follows:~~
2 ~~484A.730 Whenever any person is halted by a peace officer for any violation~~
3 ~~of chapters 484A to 484E, inclusive, of NRS that is not required to be treated as a~~
4 ~~civil matter pursuant to sections 12 to 22, inclusive, of this act and is not required~~
5 ~~to be taken before a magistrate, the person may, in the discretion of the peace~~
6 ~~officer, either be given a traffic citation, or be taken without unnecessary delay~~
7 ~~before the proper magistrate. The person must be taken before the magistrate in any~~
8 ~~of the following cases:~~

9 ~~1. When the person does not furnish satisfactory evidence of identity or when~~
10 ~~the peace officer has reasonable and probable grounds to believe the person will~~
11 ~~disregard a written promise to appear in court;~~

12 ~~2. When the person is charged with a violation of NRS 484D.580 relating to~~
13 ~~the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~

14 ~~3. When the person is charged with a violation of NRS 484D.675 relating to~~
15 ~~the failure or refusal of a driver of a vehicle to submit the vehicle and load to a~~
16 ~~weighing or to remove excess weight therefrom; or~~

17 ~~4. When the person is charged with a violation of NRS 484C.110 or~~
18 ~~484C.120, unless the person is incapacitated and is being treated for injuries at the~~
19 ~~time the peace officer would otherwise be taking the person before the magistrate.]~~

20 ~~(Deleted by amendment.)~~

21 **Sec. 30.** ~~[NRS 484A.900 is hereby amended to read as follows:~~

22 ~~484A.900 1.] It is unlawful and, unless otherwise declared in chapters 484A~~
23 ~~to 484E, inclusive, of NRS with respect to a particular offense, it is a misdemeanor~~
24 ~~for any person to do any act forbidden or fail to perform any act required in~~
25 ~~chapters 484A to 484E, inclusive, of NRS.~~

26 ~~2.] The court may order any person who is twice convicted of, or found~~
27 ~~liable for a civil penalty for, violating a provision of chapters 484A to 484E,~~
28 ~~inclusive, of NRS to pay tuition for and attend a school for driver training which is~~
29 ~~approved by the Department for retraining such drivers. The person so ordered may~~
30 ~~choose from those so approved the school which the person will attend. A person~~
31 ~~who willfully fails to comply with such an order is guilty of a misdemeanor.]~~

32 ~~(Deleted by amendment.)~~

33 **Sec. 31.** ~~[NRS 484B.100 is hereby amended to read as follows:~~

34 ~~484B.100 It is [unlawful] a misdemeanor for any person willfully to fail or~~
35 ~~refuse to comply with any lawful order or direction of any police officer while the~~
36 ~~officer is performing the duties of the officer in the enforcement of chapters 484A~~
37 ~~to 484E, inclusive, of NRS.] (Deleted by amendment.)~~

38 **Sec. 32.** ~~[NRS 484B.130 is hereby amended to read as follows:~~

39 ~~484B.130 1. Except as otherwise provided in subsections 2 and 6, a person~~
40 ~~who is convicted of, or subject to a civil penalty for, a violation of a speed limit, or~~
41 ~~of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive,~~
42 ~~484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327,~~
43 ~~484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653,~~
44 ~~484B.657, 484C.110 or 484C.120, that occurred:~~

45 ~~(a) In an area designated as a temporary traffic control zone; and~~

46 ~~(b) At a time when the workers who are performing construction, maintenance~~
47 ~~or repair of the highway or other work are present, or when the effects of the act~~
48 ~~may be aggravated because of the condition of the highway caused by construction,~~
49 ~~maintenance or repair, including, without limitation, reduction in lane width,~~
50 ~~reduction in the number of lanes, shifting of lanes from the designated alignment~~
51 ~~and uneven or temporary surfaces, including, without limitation, modifications to~~
52 ~~road beds, cement treated bases, chip seals and other similar conditions,~~

~~shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense [.] or for an amount equal to and in addition to the civil penalty imposed by the court pursuant to sections 12 to 22, inclusive, of this act. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

~~2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.~~

~~3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:~~

~~(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;~~

~~(b) A sign to mark the beginning of the temporary traffic control zone; and~~

~~(c) A sign to mark the end of the temporary traffic control zone.~~

~~4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal or civil liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.~~

~~5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:~~

~~(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or~~

~~(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.~~

~~6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.] (Deleted by amendment.)~~

Sec. 33. [NRS 484B.150 is hereby amended to read as follows:

~~484B.150 1. It is [unlawful] a misdemeanor for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.~~

~~2. Except as otherwise provided in this subsection, it is [unlawful] a misdemeanor for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:~~

~~(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or~~

~~(b) The living quarters of a house coach or house trailer.~~

~~but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.~~

1 ~~2. A person who violates any provision of this section may be subject to the~~
2 ~~additional penalty set forth in NRS 484B.130.~~

3 ~~4. As used in this section:~~

4 ~~(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.~~

5 ~~(b) "Open container" means a container which has been opened or the seal of~~
6 ~~which has been broken.~~

7 ~~(c) "Passenger area" means that area of a vehicle which is designed for the~~
8 ~~seating of the driver or a passenger.] (Deleted by amendment.)~~

9 ~~Sec. 34. [NRS 484B.217 is hereby amended to read as follows:~~

10 ~~484B.217 1. A person shall not, without lawful authority, attempt to or~~
11 ~~alter, deface, injure, knock down or remove any official traffic control device or~~
12 ~~any railroad sign or signal or any inscription, shield or insignia thereon, or any other~~
13 ~~part thereof.~~

14 ~~2. A person who violates any provision of this section is guilty of a~~
15 ~~misdemeanor and may be subject to the additional penalty set forth in NRS~~
16 ~~484B.130.] (Deleted by amendment.)~~

17 ~~Sec. 35. [NRS 484B.230 is hereby amended to read as follows:~~

18 ~~484B.230 1. It is [unlawful] a misdemeanor for a driver of a vehicle to fail~~
19 ~~or refuse to comply with any signal of an authorized flagger serving in a traffic~~
20 ~~control capacity in a clearly marked area of highway construction or maintenance~~
21 ~~or any other area which has been designated as a temporary traffic control zone.~~

22 ~~2. A district attorney shall prosecute all violations of subsection 1 which~~
23 ~~occur in his or her jurisdiction and which result in injury to any person performing~~
24 ~~highway construction or maintenance or performing other work within an area~~
25 ~~designated as a temporary traffic control zone unless the district attorney has good~~
26 ~~cause for not prosecuting the violation. In addition to any other penalty, if a driver~~
27 ~~violates any provision of subsection 1 and the violation results in injury to any~~
28 ~~person performing highway construction or maintenance or performing other work~~
29 ~~within an area designated as a temporary traffic control zone, or in damage to~~
30 ~~property in an amount of not less than \$1,000, the driver shall be punished by a fine~~
31 ~~of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of~~
32 ~~community service.~~

33 ~~3. A person who violates any provision of subsection 1 may be subject to the~~
34 ~~additional penalty set forth in subsection 1 of NRS 484B.130.~~

35 ~~4. As used in this section, "authorized flagger serving in a traffic control~~
36 ~~capacity" means:~~

37 ~~(a) An employee of the Department of Transportation or of a contractor~~
38 ~~performing highway construction or maintenance or performing other work within~~
39 ~~an area designated as a temporary traffic control zone for the Department of~~
40 ~~Transportation while the employee is carrying out the duties of his or her~~
41 ~~employment;~~

42 ~~(b) An employee of any other governmental entity or of a contractor~~
43 ~~performing highway construction or maintenance or performing other work within~~
44 ~~an area designated as a temporary traffic control zone for the governmental entity~~
45 ~~while the employee is carrying out the duties of his or her employment; or~~

46 ~~(c) Any other person employed by a private entity performing highway~~
47 ~~construction or maintenance or performing other work within an area designated as~~
48 ~~a temporary traffic control zone while the person is carrying out the duties of his or~~
49 ~~her employment if the person has satisfactorily completed training as a flagger~~
50 ~~approved or recognized by the Department of Transportation.] (Deleted by~~
51 ~~amendment.)~~

1 **Sec. 36.** ~~[NRS 484C.470 is hereby amended to read as follows:~~
2 ~~484C.470 1. A person required to install a device pursuant to NRS~~
3 ~~484C.460 shall not operate a motor vehicle without a device or tamper with the~~
4 ~~device.~~

5 ~~2. A person who violates any provision of subsection 1:~~
6 ~~(a) Must have his or her driving privilege revoked in the manner set forth in~~
7 ~~subsection 4 of NRS 482.460; and~~

8 ~~(b) [Shall] Is guilty of a misdemeanor and shall be:~~

9 ~~(1) Punished by imprisonment in jail for not less than 30 days nor more~~
10 ~~than 6 months; or~~

11 ~~(2) Sentenced to a term of not less than 60 days in residential confinement~~
12 ~~nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.~~

13 ~~No person who is punished pursuant to this section may be granted probation,~~
14 ~~and no sentence imposed for such a violation may be suspended. No prosecutor~~
15 ~~may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but~~
16 ~~mentally ill or nolo contendere to a lesser charge or for any other reason unless, in~~
17 ~~the judgment of the attorney, the charge is not supported by probable cause or~~
18 ~~cannot be proved at trial.] (Deleted by amendment.)~~

19 **Sec. 37.** ~~[NRS 485.187 is hereby amended to read as follows:~~

20 ~~485.187 1. Except as otherwise provided in subsection 5, the owner of a~~
21 ~~motor vehicle shall not:~~

22 ~~(a) Operate the motor vehicle, if it is registered or required to be registered in~~
23 ~~this State, without having insurance as required by NRS 485.185.~~

24 ~~(b) Operate or knowingly permit the operation of the motor vehicle without~~
25 ~~having evidence of insurance of the operator or the vehicle in the vehicle.~~

26 ~~(c) Fail or refuse to surrender, upon demand, to a peace officer or to an~~
27 ~~authorized representative of the Department the evidence of insurance.~~

28 ~~(d) Knowingly permit the operation of the motor vehicle in violation of~~
29 ~~subsection 3 of NRS 485.186.~~

30 ~~2. A person shall not operate the motor vehicle of another person unless the~~
31 ~~person who will operate the motor vehicle:~~

32 ~~(a) First ensures that the required evidence of insurance is present in the motor~~
33 ~~vehicle; or~~

34 ~~(b) Has his or her own evidence of insurance which covers that person as the~~
35 ~~operator of the motor vehicle.~~

36 ~~3. Except as otherwise provided in this subsection and subsection 4, [any~~
37 ~~person who violates subsection 1 or 2 is guilty of a misdemeanor.] a violation of~~
38 ~~subsection 1 or 2 must be treated as a civil matter pursuant to sections 12 to 22,~~
39 ~~inclusive, of this act. Except as otherwise provided in this subsection, [, in addition~~
40 ~~to any other penalty,] a person [sentenced pursuant to this subsection shall be~~
41 ~~punished by a fine] who violates a provision of subsection 1 or 2 is subject to a~~
42 ~~civil penalty of not less than \$600 nor more than \$1,000 for each violation. The~~
43 ~~[fine] civil penalty must be reduced to \$100 for the first violation if the person~~
44 ~~obtains a motor vehicle liability policy by the time [of sentencing,] at which a~~
45 ~~court imposes the civil penalty, unless:~~

46 ~~(a) The person has registered the vehicle as part of a fleet of vehicles pursuant~~
47 ~~to subsection 5 of NRS 482.215; or~~

48 ~~(b) The person has been issued a certificate of self insurance pursuant to NRS~~
49 ~~485.380.~~

50 ~~4. A court:~~

51 ~~(a) Shall not [find a person guilty or fine] impose a civil penalty on a person~~
52 ~~for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of~~

subsubsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a [fine] ~~civil penalty~~ of not more than \$1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396 or 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time. ~~(Deleted by amendment.)~~

Sec. 38. [NRS 485.226 is hereby amended to read as follows:

485.226 1. The Department shall suspend the license of any person [convicted of violating] ~~against whom a judgment for a civil penalty is entered pursuant to sections 12 to 22, inclusive, of this act for a violation of the provisions of paragraph (a) of subsection 1 of NRS 485.187.~~

2. Any license suspended pursuant to subsection 1 must remain suspended until the person shows proof of financial responsibility as set forth in NRS 485.207. The person shall maintain proof of financial responsibility for 3 years after the reinstatement of his or her license pursuant to the provisions of this chapter, and if the person fails to do so, the Department shall suspend any license previously suspended pursuant to subsection 1.] ~~(Deleted by amendment.)~~

Sec. 39. [NRS 486.281 is hereby amended to read as follows:

486.281 Any [person violating any provisions] violation of a provision of NRS 486.011 to 486.361, inclusive, [is guilty of a misdemeanor.] ~~must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, and a person who violates any provision of NRS 486.011 to 486.361, inclusive, is subject to a civil penalty of not more than \$250.~~ ~~(Deleted by amendment.)~~

Sec. 40. [NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

2. A violation of NRS 484C.110 or 484C.120; [or]

3. A violation declared to be a felony [.] ~~or~~

4. ~~A violation of a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.~~ ~~(Deleted by amendment.)~~

Sec. 41. [NRS 62B.280 is hereby amended to read as follows:

62B.280 1. [If a child is charged with a minor traffic offense, the] ~~The juvenile court has exclusive jurisdiction over proceedings concerning any child who commits a minor traffic offense or who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act. The juvenile court may transfer the case and record to a Justice Court or municipal court if the juvenile court determines that the transfer is in the best interests of the child.~~

2. If a case is transferred pursuant to this section:

(a) [The] ~~If the case concerns a child who commits a minor traffic offense, the~~ restrictions set forth in NRS 62C.030 are applicable in those proceedings; [and]

(b) ~~If the case concerns a child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections~~

~~12 to 22, inclusive, of this act, the case must be processed, heard and disposed of in the same manner and with the same penalties as provided in NRS 482.385, 482.545, 482.550, 485.187 and 486.381 and sections 12 to 22, inclusive, of this act; and~~

~~(c) A parent or guardian must accompany the child at all proceedings.~~

~~3. If the juvenile court transfers a case and record to a Justice Court or municipal court pursuant to this section, the Justice Court or municipal court may transfer the case and record back to the juvenile court with the consent of the juvenile court.~~

~~4. If a case concerns a child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act and the case is not transferred pursuant to this section, the child must not be treated as a child alleged to be in need of supervision or delinquent and the juvenile court must not adjudicate the child delinquent or in need of supervision. If the juvenile court finds that the child committed the violation, the juvenile court must impose the civil penalty authorized by the applicable provision of NRS 482.385, 482.545, 482.550, 485.187 or 486.381 or sections 12 to 22, inclusive, of this act, and order the child or the parent or guardian of the child, or both, to pay an administrative assessment of \$10 in addition to the civil penalty. The administrative assessment must be distributed in the manner provided by NRS 62E.270.] (Deleted by amendment.)~~

Sec. 42. [NRS 62E.270 is hereby amended to read as follows:

~~62E.270 1. If the juvenile court imposes a civil penalty pursuant to NRS 62B.380 or a fine against:~~

~~(a) A delinquent child pursuant to NRS 62E.730;~~

~~(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; [or]~~

~~(c) A child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to subsection 4 of NRS 62B.380; or~~

~~(d) A child in need of supervision, or the parent or guardian of the child, because the child is a habitual truant pursuant to NRS 62E.430;~~

~~the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the civil penalty or fine.~~

~~2. If, pursuant to NRS 62E.440, the juvenile court imposes a fine against a child who has committed an offense related to tobacco, the juvenile court shall order the child to pay an administrative assessment of \$10 in addition to the fine.~~

~~3. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.~~

~~4. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.~~

~~5. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.~~

~~6. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.] (Deleted by amendment.)~~

Sec. 43. [NRS 176.059 is hereby amended to read as follows:

~~176.059 1. Except as otherwise provided in subsection 2, when a defendant is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or pleads guilty or guilty but mentally ill or is found guilty or guilty but~~

mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the ~~civil judgment or~~ sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

| Civil Penalty or Fine | Assessment |
|----------------------------------|-----------------------|
| \$5 to \$49 | \$20 |
| 50 to 59 | 45 |
| 60 to 69 | 50 |
| 70 to 79 | 55 |
| 80 to 89 | 60 |
| 90 to 99 | 65 |
| 100 to 199 | 75 |
| 200 to 299 | 85 |
| 300 to 399 | 95 |
| 400 to 499 | 105 |
| 500 to 1,000 | 120 |

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance which is specifically designated as imposing a civil [penalty or] liability pursuant to NRS [244.3575 or] 268.019.

3. The money collected for an administrative assessment must not be deducted from the ~~civil penalty or~~ fine imposed by the justice or judge but must be taxed against the defendant in addition to the ~~civil penalty or~~ fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a ~~civil penalty or~~ fine because the ~~civil penalty or~~ fine has been determined to be uncollectible, any balance of the ~~civil penalty or~~ fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a ~~civil penalty or~~ fine is determined to be uncollectible, the defendant is not entitled to a refund of the ~~civil penalty or~~ fine or the administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the ~~civil penalty or~~ fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

~~(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.~~

~~(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~(c) Five dollars to the State Controller for credit to the State General Fund.~~

~~(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.~~

~~6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:~~

~~(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.~~

~~(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~(c) Five dollars to the State Controller for credit to the State General Fund.~~

~~(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.~~

~~7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:~~

~~(a) Training and education of personnel;~~

~~(b) Acquisition of capital goods;~~

~~(c) Management and operational studies; or~~

~~(d) Audits.~~

~~8. Of the total amount deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6, the State Controller shall distribute the money received to the following public agencies in the following manner:~~

~~(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:~~

~~(1) Thirty six and one half percent of the amount distributed to the Office of Court Administrator for:~~

~~(I) The administration of the courts;~~

~~(II) The development of a uniform system for judicial records; and~~

~~(III) Continuing judicial education.~~

~~(2) Forty eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.~~

~~(3) Three and one half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices, retired judges of the Court of Appeals and retired district judges.~~

~~(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.~~

~~(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:~~

~~(1) The Central Repository for Nevada Records of Criminal History;~~

~~(2) The Peace Officers' Standards and Training Commission;~~

~~(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;~~

~~(4) The Fund for the Compensation of Victims of Crime;~~

~~(5) The Advisory Council for Prosecuting Attorneys; and~~

~~(6) Programs within the Office of the Attorney General related to victims of domestic violence.~~

~~9. Any money deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.~~

~~10. As used in this section:~~

~~(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.~~

~~(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320. (Deleted by amendment.)~~

Sec. 44. [NRS 176.0611 is hereby amended to read as follows:

~~176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.~~

~~2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant *is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or* pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the *civil judgment or* sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.~~

~~3. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance that is specifically designated as imposing a civil [penalty or] liability pursuant to NRS [244.3575 or] 268.019.~~

~~4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the *civil penalty or* fine imposed by the~~

1 justice or judge but must be taxed against the defendant in addition to the ~~civil~~
2 ~~penalty or fine~~. The money collected for such an administrative assessment must be
3 stated separately on the court's docket and must be included in the amount posted
4 for bail. If bail is forfeited, the administrative assessment included in the amount
5 posted for bail pursuant to this subsection must be disbursed in the manner set forth
6 in subsection 6 or 7. If the defendant is found not guilty or the charges are
7 dismissed, the money deposited with the court must be returned to the defendant. If
8 the justice or judge cancels a ~~civil penalty or fine~~ because the ~~civil penalty or fine~~
9 has been determined to be uncollectible, any balance of the ~~civil penalty or fine~~ and
10 the administrative assessment remaining unpaid shall be deemed to be uncollectible
11 and the defendant is not required to pay it. If a ~~civil penalty or fine~~ is determined to
12 be uncollectible, the defendant is not entitled to a refund of the ~~civil penalty or fine~~
13 or ~~the~~ administrative assessment the defendant has paid and the justice or judge
14 shall not recalculate the administrative assessment.

15 ~~5. The justice or judge permits the *civil penalty or fine* and the~~
16 ~~administrative assessment for the provision of court facilities to be paid in~~
17 ~~installments, the payments must be applied in the following order:~~

18 ~~— (a) To pay the unpaid balance of an administrative assessment imposed~~
19 ~~pursuant to NRS 176.059;~~

20 ~~— (b) To pay the unpaid balance of an administrative assessment for the provision~~
21 ~~of court facilities pursuant to this section;~~

22 ~~— (c) To pay the unpaid balance of an administrative assessment for the provision~~
23 ~~of specialty court programs pursuant to NRS 176.0612;~~

24 ~~— (d) To pay the unpaid balance of an administrative assessment for obtaining a~~
25 ~~biological specimen and conducting a genetic marker analysis pursuant to NRS~~
26 ~~176.0623; and~~

27 ~~— (e) To pay the *civil penalty or fine*.~~

28 ~~6. The money collected for administrative assessments for the provision of~~
29 ~~court facilities in municipal courts must be paid by the clerk of the court to the city~~
30 ~~treasurer on or before the fifth day of each month for the preceding month. The city~~
31 ~~treasurer shall deposit the money received in a special revenue fund. The city may~~
32 ~~use the money in the special revenue fund only to:~~

33 ~~— (a) Acquire land on which to construct additional facilities for the municipal~~
34 ~~courts or a regional justice center that includes the municipal courts.~~

35 ~~— (b) Construct or acquire additional facilities for the municipal courts or a~~
36 ~~regional justice center that includes the municipal courts.~~

37 ~~— (c) Renovate or remodel existing facilities for the municipal courts.~~

38 ~~— (d) Acquire furniture, fixtures and equipment necessitated by the construction~~
39 ~~or acquisition of additional facilities or the renovation of an existing facility for the~~
40 ~~municipal courts or a regional justice center that includes the municipal courts. This~~
41 ~~paragraph does not authorize the expenditure of money from the fund for furniture,~~
42 ~~fixtures or equipment for judicial chambers.~~

43 ~~— (e) Acquire advanced technology for use in the additional or renovated~~
44 ~~facilities.~~

45 ~~— (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS~~
46 ~~350.020 for the acquisition of land or facilities or the construction or renovation of~~
47 ~~facilities for the municipal courts or a regional justice center that includes the~~
48 ~~municipal courts.~~

49 ~~Any money remaining in the special revenue fund after 5 fiscal years must be~~
50 ~~deposited in the municipal general fund for the continued maintenance of court~~
51 ~~facilities if it has not been committed for expenditure pursuant to a plan for the~~
52 ~~construction or acquisition of court facilities or improvements to court facilities.~~

~~The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(c) Renovate or remodel existing facilities for the justice courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~(e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 250.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.] (Deleted by amendment.)~~

Sec. 45. ~~[NRS 176.0613 is hereby amended to read as follows:~~

~~176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an administrative assessment for the provision of specialty court programs.~~

~~2. Except as otherwise provided in subsection 3, when a defendant is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the civil judgment or sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.~~

~~3. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance which is specifically designated as imposing a civil [penalty or] liability pursuant to NRS [244.3575 or] 268.019.~~

~~4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the *civil penalty or fine* imposed by the justice or judge but must be taxed against the defendant in addition to the *civil penalty or fine*. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a *civil penalty or fine* because the *civil penalty or fine* has been determined to be uncollectible, any balance of the *civil penalty or fine* and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a *civil penalty or fine* is determined to be uncollectible, the defendant is not entitled to a refund of the *civil penalty or fine* or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~5. If the justice or judge permits the *civil penalty or fine* and the administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:~~

~~(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;~~

~~(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;~~

~~(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs;~~

~~(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and~~

~~(e) To pay the *civil penalty or fine*.~~

~~6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.~~

~~7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.~~

~~8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.~~

~~9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:~~

~~(a) Pay for the treatment and testing of persons who participate in the program; and~~

~~(b) Improve the operations of the specialty court program by any combination of:~~

~~(1) Acquiring necessary capital goods;~~

~~(2) Providing for personnel to staff and oversee the specialty court program;~~

~~(3) Providing training and education to personnel;~~

~~(4) Studying the management and operation of the program;~~

~~(5) Conducting audits of the program;~~

~~(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or~~

~~(7) Acquiring or using appropriate technology.~~

~~10. As used in this section:~~

~~(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and~~

~~(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580. (Deleted by amendment.)~~

~~Sec. 46. NRS 244.3575 is hereby repealed. (Deleted by amendment.)~~

~~Sec. 47. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.~~

~~2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.~~

~~3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.~~

~~4. The Subcommittee shall consider issues relating to:~~

~~(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;~~

~~(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;~~

~~(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and~~

~~(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions.~~

~~and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.~~

~~5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.~~

~~6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~Sec. 48. NRS 176.0121 is hereby amended to read as follows:~~

1 176.0121 As used in NRS 176.0121 to 176.0129, inclusive, and section 47 of
2 this act, "Commission" means the Advisory Commission on the Administration of
3 Justice.

4 **Sec. 49. NRS 176.0125 is hereby amended to read as follows:**

5 176.0125 The Commission shall:

6 1. Identify and study the elements of this State's system of criminal justice
7 which affect the sentences imposed for felonies and gross misdemeanors.

8 2. Evaluate the effectiveness and fiscal impact of various policies and
9 practices regarding sentencing which are employed in this State and other states,
10 including, but not limited to, the use of plea bargaining, probation, programs of
11 intensive supervision, programs of regimental discipline, imprisonment, sentencing
12 recommendations, mandatory and minimum sentencing, mandatory sentencing for
13 crimes involving the possession, manufacture and distribution of controlled
14 substances, structured or tiered sentencing, enhanced penalties for habitual
15 criminals, parole, credits against sentences, residential confinement and alternatives
16 to incarceration.

17 3. Recommend changes in the structure of sentencing in this State which, to
18 the extent practicable and with consideration for their fiscal impact, incorporate
19 general objectives and goals for sentencing, including, but not limited to, the
20 following:

21 (a) Offenders must receive sentences that increase in direct proportion to the
22 severity of their crimes and their histories of criminality.

23 (b) Offenders who have extensive histories of criminality or who have
24 exhibited a propensity to commit crimes of a predatory or violent nature must
25 receive sentences which reflect the need to ensure the safety and protection of the
26 public and which allow for the imprisonment for life of such offenders.

27 (c) Offenders who have committed offenses that do not include acts of violence
28 and who have limited histories of criminality must receive sentences which reflect
29 the need to conserve scarce economic resources through the use of various
30 alternatives to traditional forms of incarceration.

31 (d) Offenders with similar histories of criminality who are convicted of similar
32 crimes must receive sentences that are generally similar.

33 (e) Offenders sentenced to imprisonment must receive sentences which do not
34 confuse or mislead the public as to the actual time those offenders must serve while
35 incarcerated or before being released from confinement or supervision.

36 (f) Offenders must not receive disparate sentences based upon factors such as
37 race, gender or economic status.

38 (g) Offenders must receive sentences which are based upon the specific
39 circumstances and facts of their offenses, including the nature of the offense and
40 any aggravating factors, the savagery of the offense, as evidenced by the extent of
41 any injury to the victim, and the degree of criminal sophistication demonstrated by
42 the offender's acts before, during and after commission of the offense.

43 4. Evaluate the effectiveness and efficiency of the Department of Corrections
44 and the State Board of Parole Commissioners with consideration as to whether it is
45 feasible and advisable to establish an oversight or advisory board to perform
46 various functions and make recommendations concerning:

47 (a) Policies relating to parole;

48 (b) Regulatory procedures and policies of the State Board of Parole
49 Commissioners;

50 (c) Policies for the operation of the Department of Corrections;

51 (d) Budgetary issues; and

52 (e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be

submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 50. NRS 176.01255 is hereby amended to read as follows:

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive, ~~†~~, **and section 47 of this act.**

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive. ~~†~~, **and section 47 of this act.**

Sec. 51. The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 47 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.

Sec. 52. The amendatory provisions of this act expire by limitation on July 31, 2017.

†

TEXT OF REPEALED SECTION

~~**244.3575 Ordinances regulating parking: Civil penalty in lieu of criminal sanction.** A board of county commissioners may by ordinance provide that the violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction.~~